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MIRA MESA MARKETPLACE EAST, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

OUTERBRIDGE ACCESS)
ASSOCIATION, SUING ON BEHALF)
OF DIANE CROSS; and DIANE CROSS,)
An Individual,)

Plaintiffs,

VS.

ROSS DRESS FOR LESS, INC. d.b.a.)
ROSS DRESS FOR LESS #478; MANNA)
DEVELOPMENT GROUP, LLC. D.b.a.)
PANERA BREAD #4279; MIRA MESA)
MARKETPLACE EAST, LLC and DOES)
1 THROUGH 10, Inclusive,)

Defendants.

Case No.: 08 CV 0045 BTM CAB

**DEFENDANT MIRA MESA
MARKETPLACE EAST, LLC.'s
REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS
SUPPLEMENTAL STATE LAW
CLAIMS WITH ATTACHED
EXHIBITS "A" - "D"**

[FRCP §§ 12(b)(1); 28 U.S.C. 1367(c)]

Complaint Filed: January 8, 2008

Judge: Hon. Barry T. Moskowitz

Courtroom: 15

Date: April 11, 2008

Time: 11:00 a.m.

NO ORAL ARGUMENT UNLESS
REQUESTED BY COURT

Defendant MIRA MESA MARKETPLACE EAST, LLC. requests the Court to take judicial notice of the items set forth below in support of Defendant's Motion to Dismiss

Supplemental State Law Claims:

REQUEST FOR JUDICIAL NOTICE No. 1

EXHIBIT “A” Order Granting Motion to Dismiss the Supplemental State Claims,
Cross v. Pacific Coast Plaza Investments, L.P., No. 06 CV 2543
JM (RBB), 2007 WL 951772, *3 (S.D. Cal. Mar. 6, 2007)

EXHIBIT “B” Order Declining Supplemental Jurisdiction Over Plaintiff’s State
Law Claims, *Kohler v. Mira Mesa Marketplace West, LLC.*, NO.
06 CV 2399, WQH (POR), (S.D. Cal. June 4, 2007)

EXHIBIT “C” Order Declining Supplemental Jurisdiction Over Plaintiff’s State
Law Claims, *Ronald Wilson v. PFS, LLC dba McDonald’s #23315*,
No. 06 CV 1046 WQH (NLS) (S.D. Cal. May 31, 2007.)

EXHIBIT “D” Order Granting Motion to Dismiss the Supplemental State Claims,
Morgan v. American Stores Company LLC 2007 Lexis 47776
(S.D. Cal. June 29, 2007.)

REQUEST FOR JUDICIAL NOTICE No. 2

Defendant also requests that this court take Judicial Notice that on January 8, 2008
Plaintiffs OUTERBRIDGE ACCESS ASSOCIATION and DIANE CROSS filed an identical
complaint against MIRA MESA MARKET PLACE WEST, LLC. and other defendants in Case
No. 08 CV 0045 BTM CAB, entitled *Outerbridge Access Association , Diane Cross v. Home
Depot U.S.A., Mira Mesa Marketplace West, LLC.*, to which Defendant Mira Mesa Marketplace
has filed the same Motion to Dismiss Supplemental State law claims scheduled to be heard on
March 21, 2008, 1:30 p.m. before Judge Jeffery Miller, Courtroom, 16, United States District
Court, Southern District of California.

Dated: February 12, 2008

MILBERG & DE PHILLIPS

By: /s/ Timothy G McNulty
Timothy G. McNulty
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